

NICHOLAS, D.
Appl. No. 10/505,281
November 26, 2007

REMARKS/ARGUMENTS

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. By this Amendment, claims 1 and 15 have been amended. Claims 1, 2, 5-10, 12-16 and 18-20 are pending for further examination.

Claims 1, 2, 5-10, 12-16 and 18-20 have been rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the enablement requirement. Applicant has amended the specification to include the CAS Nos. and the common names associated with the various tradenames originally presented with the specification. This information was available on the material data sheets for these chemicals, and copies of those sheets have been provided herewith as evidence. Thus, as a description of exemplary chemicals usable in the claimed method has now been included, Applicant respectfully requests withdrawal of this objection. Since the name of the company producing these chemicals and the tradenames were originally provided, and since the CAS Nos. were available on the Material Data Sheets for these chemicals, Applicant submits that the amendment to the specification does not constitute new matter.

Claims 1, 2, 5-10, 12-16 and 18-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Vitalis et al. (U.S. Pat. 3,756,959) in view of Fullinwider et al. (U.S. Pat. 4,014,801). Applicant respectfully submits that the applied references do not teach or suggest all elements of the claimed combination as amended.

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For example, independent claims 1 and 15 both recite, *inter alia*, “wherein the solid phase is free of oil.”

According to Vitalis, “the flocculated solids component contains essentially all of the undisolvable soldis... These solids often contains [sic] minor quantities of water as well as mineral oil components. Depending upon the thickness of the mineral oils which are fed to the system, because of the viscosity of the mass, considerable oil may remain with the solids.” (5:1-12). This solid waste must then be burned or buried. (5:13-25). Applicant’s process, on the other hand, produces clean solids, such as sand, which may be redistributed on beaches. As Fullinwider is silent on the notion of clean solids being produced from the process presented therein, the combination of Vitalis and Fullinwider does not teach or suggest “wherein the solid phase is free of oil.”

Thus, claims 1 and 15 should be allowable over the prior art of record. Claims 2, 5-10, 12-14, 16 and 18-20 should be allowable based at least on their dependency from allowable claims 1 and 15.

For at least the foregoing reasons, Applicant respectfully submits that the invention defined by the amended claims herein is not taught or suggested by the prior art of record. Thus, withdrawal of the rejections and allowance of this application are earnestly solicited.

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